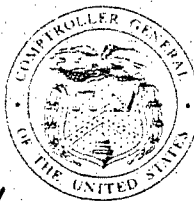


**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*[Request for Reimbursement of]*

FILE: B-196196

DATE: August 19, 1980

MATTER OF: Ernest D. Ellsworth - Automobile rental charges

DIGEST: Employee on renewal agreement travel who was authorized to use privately owned vehicle in connection with such travel rented an automobile which he used, in part, for travel between airport and place of residence and return. As employee's automobile was overseas and he did not have a privately owned vehicle at his disposal he may be reimbursed the cost of the rental automobile for travel between airport and place of residence and return to airport where cost was less than commercial limousine service.

This matter concerns the request for an advance decision by Mr. B. M. McCann, Officer in Charge, Navy Finance Office, as to whether Mr. Ernest D. Ellsworth, an employee of the Navy, is entitled to additional reimbursement for the costs of renting an automobile in connection with authorized home leave at his actual place of residence in Hampton, New Hampshire.

The record shows that by orders dated June 7, 1979, Mr. Ellsworth was authorized home leave travel for himself, his wife, and their six dependent children from his official duty station, the U.S. Naval Ship Repair Facility, Guam, to Hampton, New Hampshire, and return. The travel orders authorized air and bus travel and the use of a privately owned vehicle.

Upon arrival at the Boston airport on July 18, 1979, Mr. Ellsworth rented an automobile which he used to transport himself and his family to Hampton and which he retained for the 3 weeks they were in Hampton. He also used the rental automobile on August 8, 1979, for travel from Hampton to the Boston airport. He states that the cost for the automobile rental was \$495 for 3 weeks' rental.

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B-196196

Mr. Ellsworth claims total reimbursement in the amount of \$240 for the cost of the automobile rental. This claim is based on the constructive cost of commercial limousine service from the Boston airport to Hampton and return which he states is at the rate of \$15 per person each way.

The agency has allowed payment of \$15 for travel to and from the Boston airport on the same basis as is authorized for travel by privately owned vehicle under para. 1-4.2c of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). The \$15 amount represents mileage at the rate of \$0.15 per mile for the 100 mile round-trip distance between the Boston airport and Hampton. Mr. Ellsworth contends that the Navy improperly limited his reimbursement to the amount payable for travel by privately owned vehicle inasmuch as his automobile was in Guam and was therefore unavailable. Instead he claims reimbursement on a constructive basis of the limousine fare payable under the following authority of FTR para. 1-2.3:

"c. To and from carrier terminals. Reimbursement will be allowed for the usual taxicab and airport limousine fares, plus tip, from common carrier or other terminal to either the employee's home or place of business, from the employee's home or place of business to common carrier or other terminal, or between an airport and airport limousine terminal. However, an agency shall, when appropriate, restrict the use of taxicabs hereunder or place a monetary limit on the amount of taxicab reimbursement when suitable Government or common carrier transportation service, including airport limousine service, is available for all or a part of the distance involved."

Although the above-quoted regulation only permits reimbursement for taxicab or limousine fares that in fact have been incurred, our Office has allowed reimbursement for the cost of a rental car for travel between an airport

B-196196

terminal and the employee's residence not to exceed the usual taxicab or limousine cost. See Richard J. Waldman, B-194061, September 12, 1979, and Joseph P. Crowley, B-186115, February 4, 1977. Because the cases involved employees who rented automobiles for several days for their personal use as well as for travel between the airport and their residences reimbursement was authorized based on a proration of the rental fee for the period of authorized travel.

The record does not indicate whether the cost of the automobile rental for the 3-week period represents a special weekly or other discount rate incident to the fact that the automobile was rented on other than a daily basis. We have held that the Government need not claim against an employee savings in transportation costs which resulted solely from the fact the employee performed some personal travel in addition to the official travel required. In such cases the employee should be required to pay only the additional cost which was incurred by reason of his personal travel. See B-156536, May 6, 1965. Accordingly, Mr. Ellsworth is entitled to reimbursement for the cost he would have incurred for the rental of an automobile at the applicable daily rate for the 2 days' travel from the Boston airport to Hampton and return not to exceed the usual taxi or limousine fare.

The amount due should be offset by the \$15 payment already received. Mr. Ellsworth may be reimbursed additional amounts insofar as he can substantiate that he incurred incidental charges of the type listed in FTR para. 1-3.2b and insofar as those charges are allocable to his travel between Hampton and the Boston airport.

There is no basis for allowing reimbursement for the cost of the automobile rental for any other days as the cost of renting an automobile is reimbursable only if the automobile is used on official business. See Crowley, supra.

B-196196

Concerning Mr. Ellsworth's contention that he ought to be reimbursed on the basis of the constructive cost of the use of limousine service, our Office has held that the concept of "constructive cost" does not represent an absolute entitlement. It is, rather, an upper limit on the Government's liability so that if the cost of travel actually performed is less, the Government's liability is properly determined upon the lesser amount. See James C. Myers, B-181573, February 27, 1975.

Mr. Ellsworth should be allowed additional payment in accordance with the above.

*Milton J. Aroskar*

For the Comptroller General  
of the United States